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| 10/651,583   | 08/29/2003  | Daniel P. Topp       | TOPP-P7.1-US        | 8842             |
| 21616  | 7590        | 02/14/2008           |                     |                  |
| LAW OFFICES OF MARK A. GARZIA, P.C.<br>2058 CHICHESTER AVE<br>BOOTHWYN, PA 19061 |             |                      |                     |                  |
|  |             |                      | EXAMINER            |                  |
|  |             |                      | PARSLEY, DAVID J    |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

*Abandonement*

Continuation of item 7 of the notice of abandonment

The application is abandoned for the reasons set forth below:

The Appeal Brief filed on 12/10/07 is still defective for a reason set forth in the Notice of Non-Compliant Appeal Brief of 9/26/06 and the letter of 6/5/07. Appellant was informed that the brief does not contain a concise explanation of the subject matter defined in each of the independent claims (See box 4 of Notice and first paragraph of the letter of 6/5/07).

In response to the Appellant submitted the Appeal Brief of 10/5/07, which still does not present a concise explanation of the subject matter in the form required, specifically Appellant now does not cite to the **specification** by page and line number. (37 CFR 41.37(c)(1)(b)). Appellant now cites to the **pre-grant publication**; for example see page 5, lines 4-45 of the Appeal Brief of 12/10/07. Therefore, the Appeal Brief of 12/10/07 is still defective.

The letter of 6/5/07 set forth a one month time period for reply, which were extended to a full 6 months. The time period for reply has expired and the appeal is dismissed. See (37 CFR 41.37(d)).